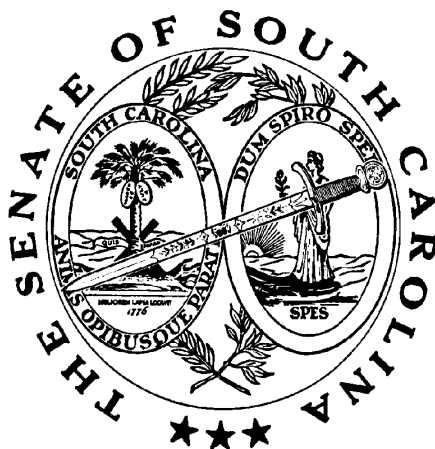


NO. 3

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, JANUARY 15, 2009

Thursday, January 15, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

In the Book of Proverbs we are reminded that:

“the wicked are overthrown by their evildoing, but the righteous find a refuge in their integrity.” (Proverbs 14:32)

Please, bow with me as we pray:

We do know, O God, that it continues to be a wicked world in so many ways. Evil still lurks in its many disguises, ready to work against hope and progress. Thank goodness the members of this Senate are individuals who take integrity seriously. May it be, Lord, that each member of this Body and each staff member always is able to cite “integrity” as a hallmark of their time of service in this place, just as it marked the life of Martin Luther King, Jr., in decades past. Dr. King’s own legacy continues to resound across the 46 counties of this State and throughout our land. As we honor him this coming Monday, may every single one of us determine to keep alive Dr. King’s dream for all people. In Your gracious and loving name we pray, dear Lord.
Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

ADDENDUM

In the Journal of Tuesday, January 13, 2009, the following remarks by Senator COLEMAN were ordered to be printed by Senator SETZLER:

Remarks by Senator COLEMAN

Mr. PRESIDENT, Members of the Senate, it is indeed an honor for me to be here today. The past eight years, I’ve been across the Hall over in the House and it has been drilled in my head that this is the

THURSDAY, JANUARY 15, 2009

most deliberative body that we have here at the State House. Well, I want you to know that I'm here, I'm ready to be deliberative, I'm ready to be hardworking, and I'm ready to assist this body in legislation that will enhance the citizens of the State of South Carolina to make it a better place for everybody to live.

Thank you so much.

* * *

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Statewide Appointments

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2007, and to expire April 1, 2011

Low Country - Recipient/Donor/Family:

Debra A. Yasenka, 243 Belfair Oaks Blvd., Bluffton, SC 29910
VICE Marilyn J. Armstrong

Referred to the Committee on Medical Affairs.

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2008, and to expire July 28, 2011

3rd Congressional District:

John R. Hamrick, John Hamrick Real Estate, 896 North Walnut Street, Seneca, SC 29678

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, Maritime Security Commission, with the term to commence July 31, 2005, and to expire July 31, 2011

Coast Guard Officer - retired:

Marvin J. Pontiff USCG (Ret.), Mediterranean Shipping Co. (USA), 550 Long Point Road, Mt. Pleasant, SC 29464

Referred to the Committee on Judiciary.

THURSDAY, JANUARY 15, 2009

Initial Appointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2008, and to expire September 30, 2011

Public:

David P. Putman, 1139 Bethcar Church Road, Wagner, SC 29164
VICE Marshall Mitchell

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2008, and to expire May 31, 2011

Financial:

Andrew S. Johnson, 889 Fieldgate Circle, Pawleys Island, SC 29585

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

4th Congressional District:

Hal Dillard, H. Dillard Co., 108 Sugar Mill Road, Greer, SC 29650
VICE Gale Crawford

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2007, and to expire December 31, 2011

3rd Congressional District:

C. Lynn Lewis, Ed.D., R.N., Tri-County Technical College, 7900 Highway 76, P. O. Box 587, Pendleton, SC 29670

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2008, and to expire July 1, 2012

At-Large/Chairman:

Kenneth B. Wingate, 4936 Hillside Road, Columbia, SC 29206
VICE Layton McCurdy

THURSDAY, JANUARY 15, 2009

Referred to the Committee on Education.

Reappointment, South Carolina State Ethics Commission, with the term to commence June 30, 2008, and to expire June 30, 2013

6th Congressional District:

Priscilla L. Tanner, P. O. Box 85, Johnsonville, SC 29555

Referred to the Committee on Judiciary.

Reappointment, State Human Affairs Commission, with the term to commence June 30, 2008, and to expire June 30, 2011

2nd Congressional District:

Joe F. Fragale, 2 Crowell Court, Bluffton, SC 29910

Referred to the Committee on Judiciary.

Local Appointments

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Sammy Joe Buchanan, Sr., 230 Jenkins Circle, Townville, SC 29689

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2008, and to expire November 7, 2014

Robert E. Watson, P. O. Box 1163, Moncks Corner, SC 29461

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Jeffrey A. Constant, 131 Creek Road East, Greenwood, SC 29646

Initial Appointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

David Eddy, 2104 Old Laurens Road, Greenwood, SC 29649 *VICE*
Kelly G. Lowe

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Priscilla T. Flanagan, 126 Swing About, Greenwood, SC 29649

THURSDAY, JANUARY 15, 2009

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Darryl L. Lukie, P. O. Box 385, Ninety Six, SC 29666

Doctor of the Day

Senator O'DELL introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CAMPBELL, at 11:05 A.M., Senator CAMPSSEN was granted a leave of absence for today.

Expression of Personal Interest

Senator KNOTTS rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bills:

S. 5 Sen. Ford
S. 11 Sen. Lourie
S. 12 Sen. Lourie
S. 182 Sen. Lourie
S. 191 Sen. Ford

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 276 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE BESSIE ELIZABETH HEMPHILL CORRY "MAMA BESSIE" OF CHEROKEE COUNTY ON THE REMARKABLE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

I:\council\ills\dka\3095dw09.docx

The Senate Resolution was adopted.

S. 277 -- Senator Alexander: A BILL TO AMEND CHAPTER 15, TITLE 29 OF THE 1976 CODE OF LAWS, BY ADDING SECTION 29-15-15, TO PROVIDE THAT CERTAIN LIENS OBTAINED BY A

THURSDAY, JANUARY 15, 2009

HOMEOWNERS' ASSOCIATION AGAINST REAL PROPERTY
ARE SUPERIOR TO CLAIMS OF OTHER CREDITORS.

l:\s-gen\drafting\tca\001hoa .jd.tca.docx

Read the first time and referred to the Committee on Banking and Insurance.

S. 278 -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, AND TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES.

l:\council\bills\bbm\9095htc09.docx

Read the first time and referred to the Committee on Finance.

S. 279 -- Senators McConnell, Land, Ford, Leatherman, Peeler, Reese, Jackson, L. Martin, Alexander, Knotts, O'Dell, Cromer, Grooms, Bright, Davis, S. Martin, Verdin, Mulvaney, Campsen, Hutto, Coleman, Setzler, Cleary and Campbell: A BILL TO AMEND CHAPTER 39 OF TITLE 34, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFERRED PRESENTMENT SERVICES BY ADDING TO SECTION 34-39-130, SO AS TO PROVIDE THAT PERSONS ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES MUST OBTAIN A LICENSE PURSUANT TO CHAPTER 39, TITLE 34; BY ADDING SECTION 34-39-175, SO AS TO ESTABLISH A DEFERRED PRESENTMENT TRANSACTION DATABASE; BY AMENDING SECTION 34-39-180, SO AS TO LIMIT THE AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT TO SIX HUNDRED DOLLARS; BY ADDING SECTION 34-39-270, SO AS TO ESTABLISH REGULATIONS FOR LICENSEES OF DEFERRED PRESENTMENT TRANSACTIONS; AND BY ADDING SECTION 34-39-280, SO AS TO DETERMINE PROVISIONS FOR DEFERRED PRESENTMENT EXTENDED PAYMENT PLANS.

l:\s-jud\bills\mcconnell\jud0053.jh.docx

THURSDAY, JANUARY 15, 2009

Read the first time and referred to the Committee on Banking and Insurance.

S. 280 -- Senators Scott, Malloy, Leventis, Lourie, Setzler, Land, Williams, Pinckney, Matthews, Hutto, Reese and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ENACT THE "SOUTH CAROLINA VOTER ACCESSIBILITY ACT", TO PROVIDE THAT THE STATE ELECTION COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY CAST HIS BALLOT IN PERSON WITHOUT EXCUSE DURING AN EARLY VOTING PERIOD; TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT; TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80; AND TO AMEND SECTION 7-15-330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO DELETE THE AUTHORIZATION THAT AN APPLICATION MAY BE REQUESTED IN PERSON FOUR DAYS BEFORE AN ELECTION AND AUTHORIZING AN ABSENTEE APPLICATION MAY BE REQUESTED ONLY ON THE DAY BEFORE THE ELECTION.

l:\council\bill\dk\3094dw09.docx

Senator SCOTT spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 281 -- Senator Sheheen: A BILL TO AMEND CHAPTER 7, TITLE 20 OF THE 1976 CODE BY ADDING SECTION 20-7-1542 TO PROVIDE FOR THE DEFINITION OF JOINT CUSTODY.

l:\s-resmin\drafting\vs\001join.tcm.vs.docx

Read the first time and referred to the Committee on Judiciary.

S. 282 -- Senator McConnell: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT

THURSDAY, JANUARY 15, 2009

SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

l:\s-jud\bill\mcconnell\jud0055.jjg.docx

Read the first time and referred to the Committee on Judiciary.

S. 283 -- Senators Malloy, Leventis, Sheheen, Massey, Hutto, Scott and Reese: A BILL TO AMEND SECTIONS 2-19-10, 2-19-20, 2-19-35, 2-19-70, 2-19-80, AND 2-19-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO CHANGE THE COMMISSION'S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE CANDIDATES TO THE RELEASE OF A LIST OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY.

l:\s-jud\bill\malloy\jud0052.jjg.docx

Senator MALLOY spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 284 -- Senators Alexander, L. Martin and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT A UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES

[SJ]

THURSDAY, JANUARY 15, 2009

IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

l:\council\ills\ms\7134ac09.docx

Read the first time and referred to the Committee on Judiciary.

S. 285 -- Senator Malloy: A BILL TO AMEND SECTION 22-3-10 OF THE 1976 CODE, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES, TO INCREASE THE CIVIL JURISDICTION TO FIFTEEN THOUSAND DOLLARS.

l:\s-res\gm\004magc.mrh.gm.docx

Read the first time and referred to the Committee on Judiciary.

S. 286 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF

[SJ]

THURSDAY, JANUARY 15, 2009

HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD'S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD'S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD'S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD'S PARENT COMPLETES AN EXEMPTION FORM.

l:\council\bill\nbd\11108ac09.docx

Read the first time and referred to the Committee on Medical Affairs.

S. 287 -- Senators Cleary, Cromer and Bryant: A BILL TO AMEND SECTION 40-15-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS AND PERSONS EXEMPT FROM SUCH LICENSURE, INCLUDING RESIDENTS, SO AS TO PROVIDE THAT RESIDENTS ARE AUTHORIZED TO TREAT CONDITIONS ENCOUNTERED DURING THEIR RESIDENCY PROGRAM, INCLUDING PRESCRIBING DRUGS; AND TO AMEND SECTION 40-15-360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO RESIDENTS UNDER CERTAIN CONDITIONS.

l:\council\bill\nbd\11117ac09.docx

Read the first time and referred to the Committee on Medical Affairs.

THURSDAY, JANUARY 15, 2009

S. 288 -- Senator L. Martin: A BILL TO AMEND CHAPTER 1, TITLE 56 OF THE 1976 CODE, BY ADDING SECTION 56-1-146 TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLENT CRIME MUST SURRENDER HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE COURT WHICH MUST TRANSMIT IT TO THE DEPARTMENT OF MOTOR VEHICLES TOGETHER WITH NOTICE OF THE CRIME AND TO PROVIDE THAT THE DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD IS CONSIDERED REVOKED AND MUST NOT BE RETURNED TO THE PERSON UNDER CERTAIN CIRCUMSTANCES; BY ADDING 56-1-148 TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME MUST HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56-1-80, RELATING TO THE CONTENTS OF A DRIVER'S LICENSE APPLICATION, TO PROVIDE THAT THE APPLICATION MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME; AND TO AMEND SECTION 56-1-3350, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE APPLICATION FOR A SPECIAL IDENTIFICATION CARD MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME.

l:\s-rules\drafting\lam\003viol.ec.lam.docx

Read the first time and referred to the Committee on Transportation.

S. 289 -- Senator L. Martin: A JOINT RESOLUTION TO ALLOW THE CRIMINAL DOMESTIC VIOLENCE STUDY COMMITTEE, AS ESTABLISHED BY ACT 402 OF 2008, ADDITIONAL TIME TO REVIEW THE CRIMINAL DOMESTIC VIOLENCE LAWS OF THE STATE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY PROPOSED CHANGES.

l:\s-jud\ills\l. martin\jud0051.jjg.docx

Senator L.MARTIN spoke on the Resolution.

THURSDAY, JANUARY 15, 2009

Read the first time and, on motion of Senator L.MARTIN, with unanimous consent, S. 289 was ordered placed on the Calendar without reference.

S. 290 -- Senator Massey: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 2009 AS "NATIONAL CHILDREN'S DENTAL HEALTH MONTH" IN SOUTH CAROLINA AND FRIDAY, FEBRUARY 6, 2009, AS "GIVE KIDS A SMILE DAY" TO PROMOTE ORAL HEALTH AND TO JOIN IN THE EFFORTS THROUGHOUT THE NATION TO ADVOCATE FOR ORAL HEALTH AWARENESS AND OPTIMAL ORAL HEALTH IN CHILDREN.

l:\council\bills\ggs\22195ab09.docx

Senator MASSEY spoke on the Resolution.

The Concurrent Resolution was adopted, ordered sent to the House.

S. 291 -- Senator Alexander: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SENATE UPON THE DEATH OF MR. WILLIAM KENT TODD OF WALHALLA, SOUTH CAROLINA AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\s-res\tca\002todd.mrh.tca.docx

The Senate Resolution was adopted.

S. 292 -- Senator Bryant: A BILL TO AMEND SECTION 16-3-625, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESISTING ARREST WITH THE USE OR THREAT OF USE OF A DEADLY WEAPON, SO AS TO PROVIDE THAT A PERSON WHO KNOWINGLY AND WILLFULLY COMMITS AN ASSAULT AND BATTERY ON A LAW ENFORCEMENT OFFICER DURING THE LAWFUL DISCHARGE OF THE OFFICER'S OFFICIAL DUTIES, OR WHEN THE OFFENSE IS DIRECTLY RELATED TO THE OFFICER'S OFFICIAL DUTIES, IS GUILTY OF A MISDEMEANOR, AND TO PROVIDE PENALTIES FOR THIS OFFENSE.

l:\s-res\klb\003assa.mrh.klb.docx

Read the first time and referred to the Committee on Judiciary.

THURSDAY, JANUARY 15, 2009

S. 293 -- Senator Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-43-375 SO AS TO PROVIDE THAT A PERSON LICENSED TO DRILL FOR OIL OR GAS IN THE STATE'S TERRITORIAL WATERS OF THE ATLANTIC OCEAN AGGRESSIVELY SHALL USE ADVANCED TECHNOLOGY AND EQUIPMENT TO MINIMIZE THE POTENTIAL FOR LEAKS OR SPILLS, TO REQUIRE A LICENSEE PAY THE FULL COST OF CLEANING A SPILL OR LEAK FROM ITS DRILLING OPERATION, AND TO PROVIDE A PENALTY FOR A SPILL OR LEAK FROM A DRILLING FACILITY; TO AMEND SECTION 48-43-370, RELATING TO A PERMIT REQUIRED FOR DRILLING AN OIL OR GAS WELL, SO AS TO PROVIDE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL EXPEDITIOUSLY AND CONSCIENTIOUSLY SHALL REVIEW AN APPLICATION FOR AN OIL OR GAS WELL IN THE STATE'S TERRITORIAL WATERS OF THE ATLANTIC OCEAN, AND THAT AN APPLICATION FOR A PERMIT IS CONSIDERED GRANTED IF THE DEPARTMENT FAILS TO DENY THE PERMIT WITH A SHOWING OF GOOD CAUSE WITHIN NINETY DAYS OF THE APPLICATION BEING MADE.

l:\council\ills\ggs\22192ab09.docx

Senator ELLIOTT spoke on the Bill.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 294 -- Senators Sheheen, Coleman and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-11-498 SO AS TO DIRECT THE STATE BUDGET AND CONTROL BOARD OFFICE OF HUMAN RESOURCES TO CONDUCT A REVIEW OF LAW ENFORCEMENT PERSONNEL SALARIES AT VARIOUS STATE DEPARTMENTS AS COMPARED TO OTHER SOUTHEASTERN STATES, AND TO PROVIDE THAT RESULTS OF THIS REVIEW MUST BE REPORTED TO THE CHAIRMEN OF THE SENATE FINANCE COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE.

l:\council\ills\swb\5680cm09.docx

Read the first time and referred to the Committee on Finance.

THURSDAY, JANUARY 15, 2009

S. 295 -- Senators McConnell, Peeler, Land, Hutto, Courson, Fair, Grooms, Ford, Rankin, Alexander, Setzler, Campbell, L. Martin, Matthews, Campsen and Verdin: A BILL TO AMEND SECTION 58-9-576, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE FORMS OF REGULATION, SO AS TO ENACT THE "CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009".

l:\council\ills\dka\3096dw09.docx

Read the first time and referred to the Committee on Judiciary.

S. 296 -- Senators Leventis and Hayes: A BILL TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO, AMONG OTHER THINGS, FURTHER SPECIFY THAT WHOLESALE DRYCLEANING FACILITIES ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND ARE ELIGIBLE TO SEEK RESTORATION ASSISTANCE UNDER THIS ARTICLE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO USE FUNDS, OTHER THAN FUNDS FROM THE DRYCLEANING FACILITY RESTORATION TRUST FUND, IF AN EMERGENCY EXISTS AND FUNDS ARE NOT AVAILABLE FROM THE TRUST FUND AND TO FURTHER PROVIDE THAT THESE FUNDS MUST BE REPAYED FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES, INCLUDING AN EXEMPTION FOR WHOLESALE SALES OF DRYCLEANING SERVICES; TO FURTHER PROVIDE FOR ELIGIBILITY REQUIREMENTS AND DETERMINATIONS AND PROCEDURES FOR REQUESTING AND ISSUING RESTORATION ASSISTANCE, INCLUDING OBTAINING SECONDARY ASSESSMENTS AND THE AMOUNT OF DEDUCTIBLES; TO PROVIDE INITIAL AND ANNUAL REGISTRATION FEES FOR DRYCLEANING FACILITIES ESTABLISHED AFTER OCTOBER 1, 1995, AND TO AUTHORIZE THE PROPERTY OWNER TO REGISTER A FACILITY IF THE OWNER OR OPERATOR OF THE FACILITY DOES NOT; TO

THURSDAY, JANUARY 15, 2009

PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION, TO REQUIRE PRESENTATION OF SUCH CERTIFICATES IN ORDER TO PURCHASE DRYCLEANING SOLVENTS, TO PROHIBIT A SUPPLY FACILITY, OR OTHER DRYCLEANING FACILITY, FROM SELLING DRYCLEANING SOLVENT TO A DRYCLEANING FACILITY IF THE FACILITY DOES NOT POSSESS A CERTIFICATE, AND TO PROVIDE CIVIL PENALTIES; TO SPECIFY REQUIREMENTS FOR A DRYCLEANING FACILITY EXEMPTION CERTIFICATE; AND TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

l:\council\bill\nbd\11140ac09.docx

Read the first time and referred to the Committee on Medical Affairs.

S. 297 -- Senators Jackson, Anderson, Bryant, Campbell, Courson, Davis, Elliott, Fair, Ford, Knotts, Lourie, Malloy, S. Martin, Massey, Mulvaney, Nicholson, Peeler, Rankin, Scott, Setzler, Sheheen, Shoopman and Williams: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT TEMPORE OF THE SENATE.

l:\council\bill\swb\5687cm09.docx

The Concurrent Resolution was adopted, ordered sent to the House.

H. 3061 -- Rep. A. D. Young: A BILL TO DESIGNATE A CERTAIN PORTION OF DORCHESTER COUNTY AS COOSAW POINTE, AND TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS INDICATING THIS AREA DESIGNATED AS COOSAW POINTE.

Read the first time and, on motion of Senator ROSE, with unanimous consent, H. 3061 was ordered placed on the Calendar without reference.

H. 3108 -- Rep. Hosey: A BILL TO AMEND ACT 201 OF 1993, RELATING TO PAYMENT FOR SERVICES RENDERED BY

THURSDAY, JANUARY 15, 2009

MEMBERS OF THE WILLISTON SCHOOL DISTRICT 29 BOARD OF TRUSTEES IN BARNWELL COUNTY, SO AS TO DELETE THE PROVISION THAT NO MORE THAN TWELVE SPECIAL MEETINGS MAY BE HELD IN ONE CALENDAR YEAR.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3162 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 11, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE COURT OF APPEALS, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2009; TO

THURSDAY, JANUARY 15, 2009

ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 6, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 6, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

H. 3232 -- Rep. Hosey: A JOINT RESOLUTION TO CHANGE THE CERTIFICATION DATE FOR THE RESULT OF A CAPITAL PROJECTS SALES AND USE TAX ACT REFERENDUM HELD AT THE TIME OF THE 2008 GENERAL ELECTION FROM NO LATER THAN NOVEMBER 30, 2008, TO NO LATER THAN DECEMBER 11, 2008.

Read the first time and referred to the Committee on Finance.

THURSDAY, JANUARY 15, 2009

H. 3258 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND KEVIN WYTHE SMITH, BUILDING CONSTRUCTION TEACHER AT SAMUEL A. HEYWARD CAREER & TECHNOLOGY CENTER IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HIS COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HIM UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3259 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND G. CLEVE PILOT, DEAN OF STUDENTS AT SAMUEL A. HEYWARD CAREER & TECHNOLOGY CENTER IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HIS COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HIM UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3260 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND NAYLENE REDMOND RICHARDSON, BUSINESS AND TECHNOLOGY EDUCATION TEACHER AT C. A. JOHNSON PREPARATORY ACADEMY IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HER COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HER UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3261 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND TWANDA DENISE ADDISON, HEALTH SCIENCE TECHNOLOGY TEACHER AT LOWER RICHLAND HIGH SCHOOL IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HER COMMITMENT TO PROVIDING QUALITY

THURSDAY, JANUARY 15, 2009

EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HER UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3262 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND MONICA CANDACE ADAMS, HEALTH SCIENCE TEACHER AT SAMUEL A. HEYWARD CAREER & TECHNOLOGY CENTER IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HER COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HER UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3263 -- Rep. Bales: A CONCURRENT RESOLUTION TO COMMEND JACKIE M. MEGGIE, BUSINESS EDUCATION TEACHER AT COLUMBIA HIGH SCHOOL IN RICHLAND COUNTY SCHOOL DISTRICT ONE, FOR HER COMMITMENT TO PROVIDING QUALITY EDUCATION FOR THE CHILDREN OF SOUTH CAROLINA, AND TO CONGRATULATE HER UPON ACHIEVING NATIONAL BOARD TEACHER CERTIFICATION IN NOVEMBER 2008.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3287 -- Reps. Whitmire, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller,

THURSDAY, JANUARY 15, 2009

Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE DEEPEST SYMPATHY OF THE MEMBERS OF THE GENERAL ASSEMBLY TO THE FAMILY AND MANY FRIENDS OF MR. WILLIAM KENT TODD, A DISTINGUISHED BUSINESS AND CIVIC LEADER IN WALHALLA, UPON HIS DEATH.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3292 -- Reps. T. R. Young, Allison and Parker: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 2009 AS "NATIONAL CHILDREN'S DENTAL HEALTH MONTH" IN SOUTH CAROLINA AND FRIDAY, FEBRUARY 6, 2009, AS "GIVE KIDS A SMILE DAY" TO PROMOTE ORAL HEALTH AND TO JOIN IN THE EFFORTS THROUGHOUT THE NATION TO ADVOCATE FOR ORAL HEALTH AWARENESS AND OPTIMAL ORAL HEALTH IN CHILDREN.

The Concurrent Resolution was introduced and referred to the Committee on Invitations.

HOUSE CONCURRENCE

S. 258 -- Senator L. Martin: A CONCURRENT RESOLUTION TO COMMEMORATE THE FIFTIETH ANNIVERSARY OF THE FINAL MISSION OF PROJECT MANHIGH.

Returned with concurrence.

Received as information.

S. 259 -- Senator Jackson: A CONCURRENT RESOLUTION CONGRATULATING THE HONORABLE BERNICE G. SCOTT ON THE OCCASION OF HER RETIREMENT FROM THE RICHLAND COUNTY COUNCIL, THANKING HER FOR HER DEDICATION TO THE PEOPLE OF RICHLAND COUNTY, AND WISHING HER WELL IN ALL OF HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

THURSDAY, JANUARY 15, 2009

S. 260 -- Senator Elliott: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE WILLIAM D. "BILLY" WITHERSPOON, OF HORRY COUNTY, FOR HIS SIXTEEN YEARS OF FAITHFUL SERVICE AS A MEMBER OF THE HOUSE OF REPRESENTATIVES, AND TO WISH HIM LIFE'S BEST AND MUCH HAPPINESS IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 234 -- Senator Rose: A BILL TO REQUIRE THE SUPERINTENDENT OF DORCHESTER COUNTY SCHOOL DISTRICT NO. 2 TO PREPARE AND SUBMIT TO THE COUNTY AND THE MUNICIPALITIES WITHIN DORCHESTER SCHOOL DISTRICT NO. 2 AN ANNUAL REPORT DETAILING INFORMATION REGARDING THE IMPACT OF DEVELOPMENT ON SCHOOLS WITHIN THE DISTRICT, TO REQUEST FROM THE COUNTY AND ALL MUNICIPALITIES WITH LAND ENCOMPASSED BY THE DISTRICT APPLICATIONS FOR LAND DEVELOPMENT PROJECTS THAT INCLUDE RESIDENTIAL HOUSING THAT MEET CERTAIN CRITERIA, TO DETERMINE WHETHER A PARTICULAR PROJECT WILL RESULT IN A SUBSTANTIAL IMPACT ON THE DISTRICT'S ABILITY TO PROVIDE SERVICES TO THE ADDITIONAL STUDENT POPULATION, AND TO PREPARE AND SUBMIT A REPORT TO THE COUNTY AND ALL MUNICIPALITIES WITHIN THE DISTRICT DETAILING THE IMPACT AND NEED FOR ADDITIONAL RESOURCES.

On motion of Senator ROSE, the Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator ROSE explained the Bill.

Senator THOMAS spoke in favor of third reading of the Bill.

Senator LEATHERMAN spoke on the Bill.

THURSDAY, JANUARY 15, 2009

Senator ROSE spoke on the Bill.

Objection

Senator LEATHERMAN asked unanimous consent to make a motion to commit the Bill to the Committee on Finance.

Senator ROSE objected.

The Bill was read the third time, passed and ordered sent to the House of Representatives.

CARRIED OVER

S. 235 -- Senator Rose: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES FOR DORCHESTER SCHOOL DISTRICT NO. 2 TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY ONLY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

On motion of Senator ROSE, the Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Senator ROSE explained the Bill.

Senator THOMAS spoke in favor of third reading of the Bill.

Senator LEATHERMAN spoke on the Bill.

Senator ROSE spoke on the Bill.

Objection

Senator LEATHERMAN asked unanimous consent to make a motion to commit the Bill to the Committee on Finance.

Senator ROSE objected.

THURSDAY, JANUARY 15, 2009

On motion of Senator ROSE, the Bill was carried over.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

Senator McCONNELL moved that pursuant to Article III, Section 9 of the South Carolina Constitution that, when the Senate adjourns after the local session tomorrow, it recede pursuant to this constitutional section until 12:00 Noon on Tuesday, January 27, 2009, to meet in Statewide Session.

There was no objection and the motion was adopted.

Motion Adopted

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

EXECUTIVE SESSION

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session and, upon lifting of the veil of secrecy, stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Anderson County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Sammy Joe Buchanan, Sr., 230 Jenkins Circle, Townville, SC 29689

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2008, and to expire November 7, 2014

Robert E. Watson, P. O. Box 1163, Moncks Corner, SC 29461

THURSDAY, JANUARY 15, 2009

Initial Appointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

David Eddy, 2104 Old Laurens Road, Greenwood, SC 29649 *VICE*
Kelly G. Lowe

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Darryl L. Lukie, P. O. Box 385, Ninety Six, SC 29666

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Priscilla T. Flanagan, 126 Swing About, Greenwood, SC 29649

Reappointment, Greenwood County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Jeffrey A. Constant, 131 Creek Road East, Greenwood, SC 29646

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned in honor of Mrs. Bessie Elizabeth Hemphill Corry on the occasion of her 100th birthday. She was born January 15, 1909, in Cherokee County. She was the daughter of Chesterfield "Chess" and Lillian Hemphill and was one of 10 siblings.

Known as "Mama Bessie" in the community, she had 2 daughters, Rubye C. Sanders and Rosa M. Ellis, and 1 step-daughter, Jessie Adams; 6 grandchildren, 10 great-grandchildren and 11 great-great grandchildren. "Mama Bessie" attends Limestone Baptist Church and loves to sing in the "Jubilee" choir. She loves to tell funny jokes, sew and visit with friends and family.

THURSDAY, JANUARY 15, 2009

ADJOURNMENT

At 12:49 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up, and, when the Senate adjourns on Friday, January 16, 2009, it stand adjourned to meet in Statewide Session on Tuesday, January 27, 2009 at 12:00 Noon.

* * *

THURSDAY, JANUARY 15, 2009

SENATE JOURNAL INDEX

S. 234.....	21	S. 293.....	13
S. 235.....	22	S. 294.....	13
S. 258.....	20	S. 295.....	14
S. 259.....	20	S. 296.....	14
S. 260.....	21	S. 297.....	15
S. 276.....	5		
S. 277.....	5	H. 3061	15
S. 278.....	6	H. 3108	15
S. 279.....	6	H. 3162	16
S. 280.....	7	H. 3232	17
S. 281.....	7	H. 3258	18
S. 282.....	7	H. 3259	18
S. 283.....	8	H. 3260	18
S. 284.....	8	H. 3261	18
S. 285.....	9	H. 3262	19
S. 286.....	9	H. 3263	19
S. 287.....	10	H. 3287	19
S. 288.....	11	H. 3292	20
S. 289.....	11		
S. 290.....	12		
S. 291.....	12		
S. 292.....	12		